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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/081,034 02/21/2002 Philippe R. Murcia RFI-3.2.004/4263 1669

26345 7590 09/05/2003

GIBBONS, DEL DEO, DOLAN, GRIFFINGER & VECCHIONE
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EXAMINER

LONEY, DONALD J

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 09/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/08/0341

Applicant(s)

Murcia et al

Examiner

D. Loney

Group Art Unit

1772

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 06/06/03
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-31 is/are pending in the application.
- Of the above claim(s) 1-24 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 25-31 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. Applicant's election with traverse of Group III in Paper No. 4 is acknowledged.

The traversal is on the ground(s) that the inventions are essentially categorized under the same class 156. However, the product is in class 428 and the process and apparatus have different classification and search in class 156. The applicant also argues the new versus recycled materials. The examiner has shown one way distinction between the Groups when it appears the applicant is arguing two way abstention by arguing new materials would not product the product of Group III. The apparatus Group can work on any type of materials and is not limited thereby (see M.P.E.P section 2115). The requirement is still deemed proper and is therefore made FINAL.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

3. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 25 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Gobidas.

Gobidas discloses a multilayer structure that contains a core of recycled plastic (44) with wood veneer layers 18 on both sides thereof. Refer to Fig. No. 1 along with column 2, lines 2-7, 53-56.

5. Claims 25, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Zvi et al.

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Zvi et al discloses recycled plastic layer(s) sandwiched between wood veneer layers. Refer to Fig. No. 2 along with column 2, lines 53-66 and column 4, lines 9-42.

6. Claims 25, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by FUNGER et al.

FUNGER et al discloses recycled plastic (i.e., carpets) layers (14) sandwiched between wood veneer layers (21'). Refer to Fig. Nos. 7 and 8 along with column 2, lines 5-18, column 4, lines 15-33, column 5, lines 22-41, column 6, lines 53-64, column 8, lines 4-7, 23-27, column 9, lines 3-14 and column 10, lines 19-29.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over any of GOBIDAS, Zvi et al or FUNGER et al in view of SING.

The primary references teach the invention substantially as recited except for the chemical treatment applied thereto.

SING teaches to chemically treat a laminated board with conventional fire, moisture and insect decay agents. Refer to column 3, lines 40-45.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to the primary references to chemically treat the board, as taught by SING, in order to provide resistance to fire, moisture and insect decay as is known in the art.

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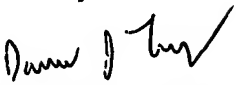
9. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over any of Gobidas, Zvi et al or Funger et al in view of Norman.

The primary references teach the invention substantially as recited except for the core having air channels which can be formed from the straw limitation of claim 30 and the core being shorter than the wood veneer.

Norman discloses a tubular core 9 (i.e., straws for claim 30 and/or air space for drain 29) sandwiched between face sheets. Fig No. 1 also shows the core being shorter than the tubes so that a cap layer (8) can be applied thereto. Refer to Fig. Nos. 1 and 2.

It would have been obvious to one having ordinary skill in the art at the time the inventions were made to the primary references to form the core of tubes (i.e., straws), as taught by Norman, since the tubular construction is known for the core and would provide air channels therein and/or require less material therefore. The core is shown as being shorter than the face sheets so that a cap layer can be applied to the ends of the panel, or the face sheet could be bent there over to cover the ends of the board.

10. Any inquiry concerning this communication should be directed to D. Loney at telephone number 703-308-2416.


DONALD J. LONEY
PRIMARY EXAMINER

D. Loney/mn
August 27, 2003